

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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CHANDRA CATES, et al., *individually and as* :
representative of a class of participants and :
beneficiaries of the Retirement Plan for Officers of :
Columbia University, and the Columbia University :
Voluntary Retirement Savings Plan, on behalf of :
himself and others similarly situated, :

Plaintiffs, :

-against- :

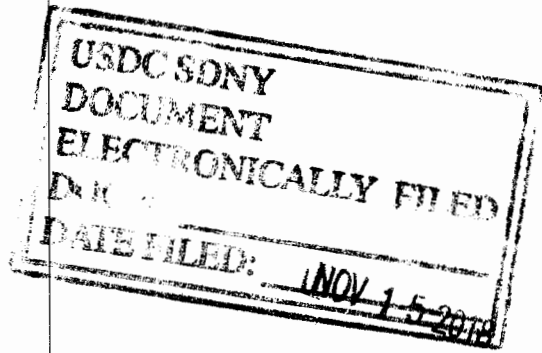
THE TRUSTEES OF COLUMBIA UNIVERSITY :
IN THE CITY OF NEW YORK, et al., :

Defendants. :

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GEORGE B. DANIELS, United States District Judge:

The Court having adopted the parties' partial Corrected Joint Stipulation for Class Certification (ECF No. 212), pertaining to Count III and certain aspects of Count V, IT IS HEREBY ORDERED, as follows:

1. Regarding certain funds in Count V, which are not part of the partial joint stipulation (Corrected Joint Stip. at ¶ 8¹), where Defendants opposed class certification, Plaintiffs' Motion for Class Certification (ECF No. 175) is GRANTED as to all remaining claims asserted under Counts III and V. This Court adopts the analysis set forth in *Leber v. Citigroup 401(k) Plan Inv. Comm.*, which held that "Plaintiffs have standing to assert all of the claims brought in this action even though they did not invest in each of the [funds] at issue." 323 F.R.D. 145, 155 (S.D.N.Y. 2017) (citing *L.I. Head Start Child Dev. Services, Inc. v. Econ. Opportunity Comm'n. of Nassau Cty., Inc.*, 710 F.3d 57, 65 (2d Cir. 2013)).



ORDER

16 Civ. 6524 (GBD) (SDA)

¹ The Corrected Joint Stip. incorrectly labels its eighth paragraph as No. "9".

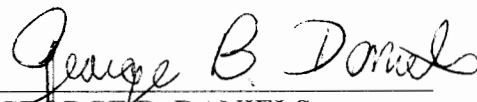
2. The following Plaintiffs Class (the "Class") is hereby certified pursuant to Federal Rule of Civil Procedure 23(a) and (b)(1)(A) and (B):

All participants and beneficiaries of the Retirement Plan of the Officers of Columbia University and the Columbia University Voluntary Retirement Savings Plan from August 10, 2010, through the date of judgment, excluding the Defendants.

3. The class period is August 10, 2010 through the date of the Judgment.
4. The Class is so numerous that joinder of all members is impracticable.
5. There are questions of law or fact common to the Class.
6. The claims or defenses of the representative parties are typical of the claims or defenses of the Class.
7. The representative parties will fairly and adequately protect the interests of the Class.
8. Pursuant to Rule 23(g), this Court hereby designates the law firm of Schlichter Bogard & Denton LLP as Class Counsel.
9. Within 45 days from the date of this Order, the parties shall jointly submit for the Court's approval, a proposed order regarding a class notice program and forms of notice pursuant to Federal Rule of Civil Procedure 23(c)(2)(A), that are agreeable to all parties in this action.

Dated: New York, New York
November 15, 2018

SO ORDERED.



GEORGE B. DANIELS
United States District Judge